

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 3:07-cr-183

- vs -

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

JERRY BROWN,

Defendant. :

**ORDER ADOPTING REPORT AND RECOMMENDATIONS AND
STAYING PROCEEDINGS**

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 446), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on September 1, 2016, hereby ADOPTS said Report and Recommendations. The Sixth Circuit has decided that Guidelines *Johnson* cases, such as this one, should be stayed pending the Supreme Court's decision in *Beckles v. United States*, 616 Fed. Appx. 415 (11th Cir. Sept. 29, 2015), cert granted, 2016 U.S. LEXIS 4142 Case No. 15-8544(June 27, 2016). *In re: Embry*, ___ F.3d ___, 2016 U.S. App. LEXIS 13798 (6th Cir. July 29, 2016); *In re: Patrick*, ___ F.3d ___, 2016 U.S. App. 14878 (6th Cir. Aug. 12, 2016).

It is therefore ORDERED that further proceedings in this case be, and they hereby are, STAYED pending the decision of the United States Supreme Court in *Beckles*.

September 8, 2016.



Walter Herbert Rice
United States District Judge